

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

*The County of Summit, Ohio, et al. v.
Purdue Pharma L.P., et al.,*
Case No. 18-op-45090

*The County of Cuyahoga, Ohio, et al. v.
Purdue Pharma L.P., et al.,*
Case No. 17-op-45004

MDL No. 2804

Case No. 1:17-md-2804

Judge Dan Aaron Polster

WALGREENS' RESPONSE TO PLAINTIFFS' MOTION TO SEVER CVS

As with plaintiffs' first motion to sever certain defendants, Walgreen Co. and Walgreen Eastern Co., Inc. ("Walgreens") take no position on plaintiffs' subsequent motion to sever their claims against CVS. But just as before, severing one more defendant does nothing to cure the intractable difficulties of trying an enormous case against a large number of differently situated defendants in just seven weeks. Walgreens outlined these problems in its response to plaintiffs' motion to sever (Dkt. 2145), in response to which plaintiffs say exactly *nothing* (Dkt. 2158).

To the contrary, plaintiffs' continued approach of half-hearted severance proposals (not even voluntary dismissals) only confirms that they have no intention of complying with the Court's directive that they significantly cull the defendants and claims to permit a manageable trial that is fair not only to the parties, who have billions of dollars at stake, but also to the jurors, who will be asked to keep straight the evidence on so many different but overlapping claims against a large number of diverse defendants.

If this case is to be tried in anything like seven weeks, the Court should do what plaintiffs will not and grant the pending motions that will (i) resolve entirely the Track One claims against defendants, like Walgreens, as to which plaintiffs' claims are untimely or otherwise fail as a matter of law, (ii) result in the dismissal of legally insufficient claims against other defendants, and (iii) substantially narrow any remaining claims.

Dated: August 9, 2019

Respectfully submitted,

/s/ Kaspar J. Stoffelmayr
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CERTIFICATE OF SERVICE

I hereby certify that, this 9th day of August, 2019, I electronically filed a copy of the foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to all counsel of record.

/s/ Kaspar J. Stoffelmayr
Kaspar J. Stoffelmayr

Counsel for the Walgreens Defendants